

REMARKS

This communication responds to the Final Office Action mailed April 13, 2009.

Statement of Substance of Interview

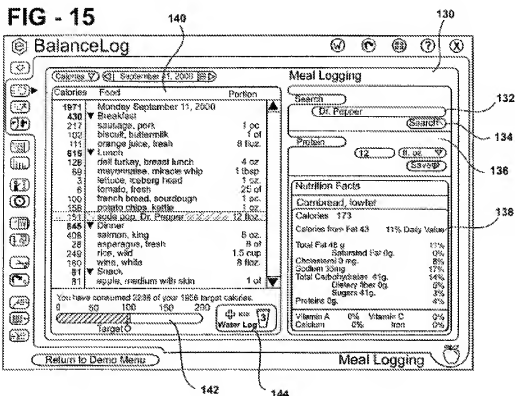
The undersigned would like to thank Primary Examiner Michael Astorino and Examiner Kai Rajan for extending the courtesy of a telephonic interview on October 9, 2009 to discuss this case.

During the interview, the participants discussed whether independent claim 1 was distinguishable from Mault et al. US Patent Publication Number 2002/0133378. The Examiners suggested that claim 1, if amended as provided above, may overcome the current rejection. No other pertinent matters were discussed during the interview.

§ 103 Rejection

Claims 1-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al. US Patent Publication Number 2002/0133378.

As discussed during the interview, Applicant submits that Mault at least does not show the limitation of paragraph “c” of amended claim 1. The Examiner points to the “Nutrition Facts” in Fig. 15 of Mault (copied below) as being relevant.



Under the “Nutrition Facts” in Fig. 15, Mault merely lists Sodium 35 mg and 17% Daily Value. Such a listing does not simultaneously provide multiple relationships between intake point values and the corresponding amounts by weight of dietary sodium.

Under the claimed invention, patients following sodium-restricted diets have an easy, uniform way to calculate sodium intake in their diets without having to learn complicated mathematical calculations. Moreover, by having a reference display available showing the relationship between intake points and amounts of dietary sodium, patients are empowered to make appropriate food choices based on the easily understandable system of intake points. That

is, a patient is empowered to put down foods that have a high number of intake points. Under the meal logging in Fig. 15 of Mault, a patient may merely log his/her food without necessarily understanding the impact on his/her the acceptable level of sodium – until it's too late and the food has been consumed.

Accordingly, Applicant submits that Mault does not disclose at least limitation “c” of claim 1, and, therefore, does not disclose the limitations of the associated dependent claims (claims 2-9). In addition, Applicant submits that it would not be obvious to combine Mault with a prior art dietary chart (to the extent a relevant one exists) to form the claimed invention. Since Mault provides a meal logging system (see, e.g., Fig. 15 of Mault), a patient searches for food that he/she has consumed. Under the “Nutrition Facts” in Fig. 15 of Mault, Mault merely lists Sodium 35 mg and 17% Daily Value. Mault would not provide the claimed simultaneous, multiple relationships because the patient is searching for the nutrition facts of the particular food consumed. Accordingly, since Mault would not provide this information, Applicant submits it would not be obvious to combine Mault a prior art dietary chart (to the extent a relevant one exists) to form the claimed invention. Accordingly, Applicant submits that any §103 rejection of claim 1 or any associated claims based on Mault should be withdrawn.

It is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned in the event there are any questions concerning the election or if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Dated: October 9, 2009

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